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PATENT

Attorney Docket 045636-5033-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Q. T. Nguyen *et al.* )  
U.S. Application No. 09/555,640 )  
Filed: August 10, 2000 )  
For: Erythrovirus and Its Applications )

Group Art Unit: 1648  
Examiner: J. Parkin, Ph.D.

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RESPONSE AND AMENDMENT UNDER 37 CFR § 1.111

In reply to the Office Action dated February 25, 2003, Applicants submit a Response and Amendment. The due date for reply, with a three month extension of time is **August 25, 2003**. Please amend the above referenced application as follows:

**Amendments to the Claims** are reflected in the listing of the claims which begins at page 2 of this paper.

**Remarks/Arguments** begin on page **10** of this paper.

08/27/2003 RELANCO 00000025 500310 09555640  
01 FC:1202 18.00 DA

08/27/2003 RELANCO 00000025 500310 09555640  
02 FC:1253 930.00 DA



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PATENT  
Attorney Docket 045636-5033-US

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In re Application of: **Q. T. Nguyen et al.** )  
Application No. **09/555,640** )  
Filed: **August 10, 2000** )  
For: **Erythrovirus and its Applications** )

Art Unit: **1648**  
Examiner: **Parkin, J.**

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Commissioner for Patents  
U.S. Patent and Trademark Office  
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Arlington, VA 22202

**RESPONSE TRANSMITTAL FORM**

- Transmitted herewith is a Response and Amendment Under 37 C.F.R. § 1.111 in response to the Office Action dated February 25, 2003.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three-month extension of time extending the period for response from May 25, 2003 to August 25, 2003, the fee which is **\$930.00** as set out in 37 C.F.R. § 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	35	minus	34	1	\$18 each=	18.00
Independent Claims	5	minus	5	0	\$84 each=	0.00
First presentation of Multiple Dependent Claim					\$280.00	0.00
Sub-total =						18.00
Reduction by 1/2 for filing by a small entity						0.00
Total Fee =						18.00

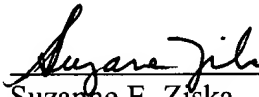
- Additional Papers Submitted:
  - Copy of date-stamped post card showing receipt of Aug. 10, 2000 IDS/1449 by PTO (Attachment A)
  - Copy of Canadian document 2,075,366 (Attachment B)

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- (iii) Clean Copy of PTO 1449 previously submitted on August 10, 2000 (Attachment C)
  - (iv) Copy of NCBI Web Site print-out showing sequence having accession No. E09420 (Attachment D)
  - (v) Statement Accompanying Sequence Listing
  - (vi) Diskette with electronic copy of Sequence Listing
5. Fee Payment: The Commissioner is hereby authorized to charge **\$948.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee (\$930.00) and the additional total claims fee (\$18.00).
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 0-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **August 25, 2003**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Suzanne E. Ziska  
Registration No. 43,371